For the Law and Justice Interim Committee

Branch Head: Montana Supreme Court, Chief Justice Mike McGrath, state-elected
Lois Menzies, Court Administrator, appointed by Supreme Court

Description and Responsibilities:

- Independent branch of government
- Forum to resolve civil and criminal disputes
- Preserve rule of law
- Protect rights and liberties
- Provide for orderly conduct of proceedings
- Control conduct of its ministerial officers

- Compel attendance of persons to testify
- Maintain state law library
- Provide for youth court and juvenile probation
- Info. tech. support to lower courts
- Note: Courts of limited jurisdiction are funded and maintained at county and city level

Courts:

- Supreme Court consists of a Chief Justice and six Associate Justices

- 56 district courts operate in 22 judicial districts with 46 district court judges

- Each of the judicial districts operates a youth court and has a chief juvenile probation officer

- Courts of Limited Jurisdiction are maintained by local governments
    - 66 Justice's Courts (county)
    - 81 City Courts
    - 7 Municipal Courts

- Water Court
    - Statutorily created and given exclusive jurisdiction over water rights
    - Chief water judge appointed by Chief Justice from nominees of Judicial Nominations Commission
    - A water judge is appointed for each of 4 water districts
    - Chief water judge appoints special masters to assist water judges

- Workers' Compensation Court
    - Statutorily created and administratively attached to Department of Labor and Industry
    - Judge is appointed by governor from nominees of Judicial Nominations Commission

- Specialty/treatment courts (drug, DUI, mental health, co-occurring)
    - Special dockets of existing courts, **not new courts**
    - 12 adult specialty district courts
    - 3 specialty youth courts
    - 5 municipal specialty courts
    - 3 specialty Justice's courts

Law and Justice Interim Committee Meeting
June 21, 2011

Exhibit 7

For the Law and Justice Interim Committee

State-level Programs, FTE, and Funding for FY 2012-FY 2013:

Programs	FY 2013 FTE	General Fund	State Other	Proprietary	Federal	Total ALL	Percent of total state-level funds
Supreme Court							
- operations	41.25	$ 8,906,511	$ -	$ -	$ -	$ 8,906,511	
- civil legal assistance	0.00	$ -	$ 281,338	$ -	$ -	$ 281,338	
- court assessment	1.00	$ 26,131	$ -	$ -	$ 245,921	$ 272,052	
- court help	0.00	$ 584,757	$ -	$ -	$ -	$ 584,757	
- drug courts	4.00	$ 1,466,759	$ 100,000	$ -	$ -	$ 1,566,759	
- information technology	18.00	$ 7,444,986	$ -	$ -	$ -	$ 7,444,986	
Supreme Court Subtotal	64.25	$ 18,429,144	$ 381,338	$ -	$ 245,921	$ 19,056,403	24.7%
Boards and Commissions							
- boards and commissions		$ 530,556	$ 148,101	$ -	$ -	$ 678,657	
- judicial standards		$ 25,000	$ -	$ -	$ -	$ 25,000	
Boards and Comm Subtotal	3.00	$ 555,556	$ 148,101	$ -	$ -	$ 703,657	0.9%
Law Library							
- law library		$ 1,691,289	$ -	$ -	$ -	$ 1,691,289	
- on-line searches		$ -	$ -	$ 379,594	$ -	$ 379,594	
Law Library Subtotal	6.75	$ 1,691,289	$ -	$ 379,594	$ -	$ 2,070,883	2.7%
District Court						$ -	
- employees and operations	265.58	$ 35,306,076	$ 449,063	$ -	$ -	$ 35,755,139	
- judges and operations	46.00	$ 14,949,910	$ 5,280	$ -	$ -	$ 14,955,190	
District Court Subtotal	311.58	$ 50,255,986	$ 454,343	$ -	$ -	$ 50,710,329	65.8%
Water Court Supervision	21.50	$ -	$ 3,530,907	$ -	$ -	$ 3,530,907	4.6%
Clerk of Court	5.50	$ 962,391	$ -	$ -	$ -	$ 962,391	1.2%
TOTALS	412.58	$ 71,894,366	$ 4,514,689	$ 379,594	$ 245,921	$ 77,034,570	100.0%
Agency's GF as a percentage of state's total GF budget	2%						

Source: Legislative Fiscal Division

* <u>**NOTE:**</u> Each fiscal year, the Dept. of Corrections allocates a portion of its juvenile delinquency and intervention program budget to each judicial district for out-of-home placements, programs, and services. Judicial districts received $4,011,877 for FY 2012.

Administratively Attached to Supreme Court:

- Medical legal panel (section 27-6-104, MCA)
- Chiropractic legal panel (section 27-12-104, MCA)

Legislative Audits:

- Financial compliance, 2010
- Juvenile delinquency intervention program, 2005

Branch Bills Passed During 2011 Session:

- Revise payment for court interpreter services - HB 65 (Menahan)
- Temporarily suspend juvenile delinquency intervention program annual evaluation - SB 67 (Shockley)

Branch Bills that Failed During 2011 Session:

- None

Other Judiciary-related Bills Passed During 2011 Session:

- Amend youth court sentencing authority - HB 126 (Hansen)
- Revise laws relating to justices' courts - HB 480 (Menahan)
- Court dismissal of case with no action - SB 21 (Shockley)
- Allow cities to establish courts of record - SB 41 (Shockley - LJIC)
- Authorize warrants to obtain blood or breath test in DUI cases - SB 42 (Shockley - LJIC)
- Increase jurisdictional limit for justices', city, and small claims courts - SB 238 (Blewett)

Law and Justice Interim Committee Areas of Interest:

- DUI laws
- Specialty courts, such as drug and DUI courts

Hot Topics of 2011 Session:

- DUI laws
- Abortion rights
- Death penalty
- Nullification of federal law
- Medical marijuana

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